

24.03.2023

Serial no. 31

[Dd]

(Anticipatory bail)

Allowed)

CRM (A) 1226 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Chanditala** Police Station Case No. **91** of **2023** under Sections **420/406** of the IPC.

-And-

In the matter of : **Arun Sarkar**

... .. Petitioner

Mr. Abhra Mukherjee,
Mr. Sauradeep Dutta,
Mr. Swakshar Kumar Mondal, Advocate
... .. *For the Petitioner*

Ms. Faria Hossain,
Ms. Baisali Basu,
Ms. Mamata Jana, Advocates
... ..*For the State*

There is a previous police complaint, *inter alia*, under Sections 420/406/506 of the Indian Penal Code, 1860 as against the de facto complainant filed at the behest of the petitioner. The de facto complainant was working as an employee of the petitioner.

In the present police complaint, the de facto complainant claims that the petitioner took money on the promise of giving Government job.

The issue of false implication, in the facts and circumstances of the case should not be overlooked.

In such circumstances, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of

like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall report before the Investigating Officer as and when called for till the conclusion of the investigation and on further condition that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner is **allowed**.

CRM (A) 1226 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)